

REMARKS

In accordance with the forgoing, claims 1 and 11 are amended herein. Claims 1-11 remain pending and under examination. No new matter is being presented, and reconsideration of the claims in light of the following remarks is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1-3 and 5-11 stand rejected as being unpatentable over Tagawa et al. (U.S. Patent No. 6,947,728) (hereinafter “Tagawa”) in view of Yamedera et al. (U.S. 2002/0123368) (hereinafter “Yamedera”). The rejections are respectfully traversed and reconsideration is requested. The following is a comparison between embodiments of the present invention and the cited art.

Independent claim 1, for example, is amended herein to recite a reset unit operable, if the timer is being operated in response to the execution of the non-telephone function, to reset the timer to an initial state each time a predetermined operation relating to the telephone function is executed.

As an exemplary advantage of embodiments of the present invention, an auto-power-off unit causes a timer to operate during execution of a non-telephone function, and automatically stops the execution of the non-telephone function when the timer indicates an elapse of a predetermined time period. A reset unit rests the timer to an initial state each time a predetermined operation relating to the telephone function is executed. Thus, wasteful battery consumption is avoided.

Tagawa states that “in case of stopping reproduction of music on receiving a call, music reproduction is resumed at the position run back for a predetermined time period from that of receiving a call, or from the beginning of the music.” (See column 3, lines 9-23). Tagawa further states, “[a]lso, the mobile phone may further comprise a unit operable to count elapsed time after a call arrives, in which... consumption can be cut down.” (See column 3, line 63, to column 4, line 2). (The Examiner further refers to column 12, lines 64, to column 13, line 2, column 13, lines 20-51, column 16, lines 10-25, and Figs. 13A-14B).

In the Final Action, dated December 10, 2008, the Examiner alleges that Tagawa discloses that, in case of stopping reproduction of music upon receiving a call, music reproduction is resumed at the position run back for a predetermined time period from that of receiving a call, or from the beginning of the music.

In the Advisory Action, dated March 24, 2009, the Examiner states Tagawa discloses a method of setting the timer to an initial state (*i.e.*, run back). The Examiner goes on to state, “resuming reproduction at a point run back 5 secs would at least read on resetting the timer 5 secs to the initial state prior to the incoming call.”

However, even assuming *arguendo* that merely *resuming* music reproduction at the position run back for a predetermined time period from that of receiving a call is equivalent to *resetting the timer* to an initial state each time a predetermined operation relating to the telephone function is executed, the “timer” of Tagawa would be operated only in response to a telephone function (*i.e.*, receiving a call). Thus, Tagawa does not teach or suggest a reset unit operable, if the timer is being operated in response to the execution of *the non-telephone function*, to reset the timer to an initial state each time a predetermined operation relating to the telephone function is executed.

As a result, it is respectfully submitted that amended independent claim 1 patentably distinguishes over Tagawa. Independent claim 11, as amended, recites features substantially similar to those described above with respect to claim 1. Therefore, it is respectfully submitted that independent claim 11 patentably distinguishes over Tagawa for at least the foregoing reasons.

Yamedera is cited as disclosing an auto power off unit, but makes no mention of resetting the timer to an initial state each time a predetermined operation relating to the telephone function is executed, and thus fails to cure the deficiencies of Tagawa discussed above.

Claims 2-3 and 5-10 depend from independent claim 1 and inherit the patentability thereof. Therefore, the pending dependent claims patentably distinguish over the cited art for at least the reasons presented herein.

Dependent claim 4 stands rejected as being unpatentable over Tagawa in view of Yamedera, and further in view of Yoshinaga (U.S. Patent No. 7,096,045). Claim 4 inherits the patentability of independent claim 1, which patentably distinguishes over Tagawa and Yamedera for the reasons presented above. Further, Applicants submit that Yoshinaga fails to cure the deficiencies of the cited art described herein.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542005000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

Electronic signature: /Michael P. Stanley/
Michael P. Stanley

Registration No.: 58,523
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 314-7795